

The Sydney Morning Herald.

TERMS OF SUBSCRIPTION.

Sydney, £3 per annum; Country, £3 10s.; 10th ct. discount for payment in advance.

VOL. XXIV.

WEDNESDAY, OCTOBER 18, 1848.

No. 3562

CASH TERMS FOR ADVERTISEMENTS.

STEAM TO MORETON BAY.
THE STEAM-PACKET
TAMAR.
J. Allen, Commander, will
sail on THURSDAY, at 8 A.M.
JAMES PATERSON,
Secretary.
H. R. S. N. Co.'s Wharf. 5992

FOR MORETON BAY.
THE SCHOONER
SWIFT.
60 tons burthen, Christopher
Thompson, master, now loading
at the Union Wharf, will sail on Saturday next.
For freight or passage, apply to the master
on board; or to

HENRY CLARKE,
Union Wharf.

October 17. 6116

FOR MORETON BAY.
THE fine-known
schooner
COLUMBINE,
68 tons register, H. Sergeant,
master, now loading at the Commercial Wharf,
will be quickly despatched.

For freight or passage apply to the master,
on board; or to

THOMAS CROFT.

FOR MELBOURNE.
THE fine Packet-brig
CORTINA,
Captains, 100 tons register, and
cottons loading at the Flinders Wharf TOMORROW (Thursday),
MORNING, and will soon fill up, having part
of her cargo engaged. For freight or passage,
apply on board; or to

SMITH BROTHERS AND CO.,
Sussex-street.

FOR MELBOURNE.
THE BRIGANTINE
TEAZER,
Captain, 100 tons register, and
cottons loading at the Flinders Wharf TOMORROW (Thursday),
MORNING, and will soon fill up, having part
of her cargo engaged. For freight or passage,
apply on board; or to

E. M. SAYERS,
Port Phillip Packet Office,

489, George-street.

FOR PASSENGERS ONLY.
THE fine new Schooner
PETREL,
Captain Gibson, sails the
first fair wind. For passage
only apply to

SHEPPARD AND ALGER,
Packet Office, 470, George-street.

FOR MELBOURNE AND PORT
FAIRY.
THE well-known fast-sailing
schooner
WILL WATCHE,
Captain Staines, is hourly ex-
pected, and will soon after arrival.
For freight or passage apply to

E. M. SAYERS,
Port Phillip Packet Office,

489, George-street.

Shippers to Port Fairy are reminded this
vessel will not be delayed longer than two days
at Melbourne.

6152

FIRST VESSEL FOR ADELAIDE.
THE fine fast-sailing
barque
KINGSTON,
250 tons, Capt. Hawood, having
her dead weight on board, will sail
with despatch, and having rooms 'tween decks,
offers an excellent opportunity to cabin, inter-
mediate, or steerage passengers, at low rates.
Apply to the Captain, on board; or to

SHEPPARD AND ALGER,
Packet Office, 470, George-street. 6038

FOR ADELAIDE DIRECT.
THE fine A1 barque
JANE,
36 tons, Joshua Pallot, com-
mander, will have quick
despatch. For freight or passage, apply to

R. T. FORD,
8, Bridge-street.

* Coals wanted.

ONLY VESSEL FOR AUCKLAND.
FOR PASSAGE ONLY.
THE fine five-favoured
schooner
CHEERFUL,
170 tons, Captain Jones, sails
the first fair wind. For passage only, having
superior accommodation, early application is
necessary, to

SHEPPARD AND ALGER,
Packet Office, 470, George-street. 6879

FOR PORT NICHOLSON DIRECT.
THE FINE BRIG
CALYPSO,
Captain Low, 105 tons regis-
ter, 120 tons burthen, now
discharging at Campbell's Wharf, will be ready
to receive cargo in a day or two; and has
proven herself a fast voyage to the swift-
est seas out of this port.

For freight or further particulars apply to

HENRY FISHER,
City Dept., Opposite the Barrack Gate,

480, George-street.

FOR HONGKONG.
THE fine fast sailing ship
CHARLOTTE JANE,
740 tons register, A1 for 13
years, A Lawrence, Com-
mander.

This vessel has splendid accommoda-
tions, and carries an experienced
crew.

For freight or passage, apply to

MACINTOSH AND HIRSCH,
Queen's-place, 6022

FOR HONGKONG.

THE AGINCOURT,
669 tons, Thomas Scott,
commander, will sail in
about ten days.

This vessel affords a desirable opportunity
for passengers, the cabin accommodation being
of a superior kind. For freights or passage,
apply to

SMITH AND CAMPBELL,
Spring-street, October 14. 5985

FOR LONDON.
THE fast sailing A1
barque
AGRICOLA,
554 tons register, John Bell,
commander. Apply to

FLOWER SALTING, AND CO.,
Or to

GILCHRIST AND ALEXANDER,
October 14. 6052

FOR LONDON.
TO SAIL IN ALL JANUARY, 1849.

THE E. splendid new
frigate-built ship
WATERPOD,
1000 tons register, Henry
Neathby (late of the Agincourt), Commander,
expected on the 5th proximo, will commence
loading about the 15th, and will be one of the
first wool ships of the season. This fine vessel
having been built expressly as a passenger
ship, has first-rate accommodations for cabin,
intermediate, and steerage passengers, and
being intended as a regular trader, will sail
punctually to the day advertised, which will
be announced on arrival.

SMITH AND CAMPBELL,
Agents.

Spring-street, October 7. 5768

FOR LONDON,
THE regular trader
GANGES, 430 tons, H. B.
Blanshard, commander. Has
superior accommodations for
cabin, intermediate, and steerage passengers.
For freight or passage, apply to

FLOWER SALTING, AND CO.,
or to

6051 GILCHRIST AND ALEXANDER.

FOR LONDON DIRECT.

THE fine Barque
ELPHINSTONE,
Henry Tilman, master, will
sail on Tuesday morning next.
Shippers are requested to complete their en-
gagements; has still room for fifteen bales of
wool, and one poor cabin disengaged.

By order of the N.G.

PATRICK HAYES,
Secretary.

True Friendship Lodge, 18th October, 1848.

6161

FOR LONDON DIRECT.

THE fine A1 ship
KELSO,
567 tons register, David
Roxburgh, commander. This
vessel will have great despatch, and has super-
ior accommodations for cabin passengers; early
application is necessary. Apply to the Captain
on board, at the Circular Wharf; to

GRIFFITHS, FANNING, AND CO.,

MONTEFIORE, GRAHAM, AND CO.

6143

FOR LONDON DIRECT.

THE fine A1 ship
ELPHINSTONE,
Henry Tilman, master, will
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True Friendship Lodge, 18th October, 1848.

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True Friendship Lodge, 18th October, 1848.

6165

FOR LONDON,
SYDNEY BRANCH.

Alliance

BRITISH AND FOREIGN LIFE AND FIRE
ASSURANCE COMPANY,

LONDON.

Established by Act of Parliament, 1824.

Capital, FIVE MILLIONS sterling.

PRESIDENTS, Samuel Gurney, Esq., Sir M. Montagu, F.R.S.

DIRECTORS, James Alexander, Esq., Mr. J. G. Heydon, Esq.,

H. B. Bassett, Esq., Mr. J. G. Heydon, Esq.,

Sir R. Campbell, Esq., Mr. J. G. Heydon, Esq.,

Benjamin Cohen, Esq., Mr. J. G. Heydon, Esq.,

W. W. Cross, Esq., Mr. J. G. Heydon, Esq.,

Mr. Geo. Dawson, Esq., Mr. J. G. Heydon, Esq.,

Edward Fletcher, Esq., Mr. J. G. Heydon, Esq.,

James P. Howland, Esq., Mr. J. G. Heydon, Esq.,

A. T. Jones, Esq., Mr. J. G. Heydon, Esq.,

Samuel Gurney, Esq., Mr. J. G. Heydon, Esq.,

John L. Lucas, Esq., Mr. J. G. Heydon, Esq.,

Thomas Mawson, Esq., Mr. J. G. Heydon, Esq.,</

postmaster could, without any very considerable extra exertion, make a delivery the same evening. We know that, by Post Office regulations, the hours of business are confined from nine A.M. to six P.M. In the metropolis these regulations ought not to be strictly enforced. The debtors' letters and papers on the eve of the day of my arrival were for Sydney would be a great accommodation to the inhabitants of the town; and from our experience of Mr. Thompson's civility and attention, we think that he only wants permission from the proper authorities to do, to oblige the inhabitants. When Mr. Lipscombe was postmaster, we know that he has kept the office open until midnight for the convenience of the public.

Postmen.—It has been a slight risk since our last report, when the mail-coaches, having reached as high as 4s. 6d., the mails have also raised the price of flour 10s. per ton of 3000 lbs., the present price being £13.10s. for fine, £11.10s. for seconds; potatos have also taken a rise, now selling from 4s. to 5s. per cwt.; dairy produce cheap and plentiful.

The Weather.—On Tuesday, the 10th instant, about two p.m., a regular north-west, the wind blowing a perfect hurricane for an hour, according to the weather-glass given, and in fact it was. The following day occasional light showers, and in the night it came down almost without intermission. This night was a most tempestuous one,—there was a heavy fall of snow on the surrounding hills and mountains. Thursday occasional showers; on Friday, about three p.m., the Vale Creek rose suddenly several feet, and, on the following day, the river Macquarie rose upwards of three feet, a proof that the rain had been pretty general in the neighbourhood. The weather has done one for the getting in of grain, and we hear from all quarters around that there is every prospect of a rich and abundant harvest. The consequences of the recent rains have become apparent by the rich and luxuriant appearance of the plains and surrounding hills.

Singing Society.—One has been recently formed here for the double purpose of instructing the young and old. The weekly subscriptions and fines are to be appropriated to the purchase of instruments and music-books. On Friday, the 13th, a tea party was held for the purpose of promoting the objects of this society. Upwards of eighty tickets were taken. The meeting was held in the Scotch school-room;—if anything, no comfort. When I addressed the meeting, and explained in a very simple concisive manner the motives and objects of the society. After the good things provided had been partaken of, there was an exhibition of the magic-lantern for the amusement of the youngsters. After this, was singing and music until ten p.m., when the party broke up, all appearing satisfied with their entertainment.

ORIGINAL CORRESPONDENCE.

THE DECISIONS OF THE COURT OF NEW SOUTH WALES THE RESULT OF REASON OR OF CAPRICE?—
To the Editors of the *Sydney Morning Herald*,
Gwenarrow.—In detailing my experience of the last eighteen months, I will neither make inducements nor draw conclusions.

In March, 1847, in order to protect my estate from being affected by the sale of the assets of the insolvent, I was compelled to sequester. After eighteen months of untiring perseverance, and with the acquiescence of all my creditors excepting one, I have only within the last few days succeeded in superseding the sequestration.

In July, 1847, I applied to the Chief Commissioner for my certificate, which, after a protracted examination by the sole opposing creditor, was granted on the 28th August, 1847, the morning after the examination was closed.

My application to the Court for a confirmation of the certificate, made on the 1st September, 1847, was opposed by the same creditor, and after repeated postponements, the Court reversed the decision of the Commissioner and declared absolutely my certificate in written judgment, delivered on the 10th of November, and published in the *Sydney Morning Herald* of the 11th November.

Feeling myself wronged by the decision of the Court, I addressed a letter, which was published in the *Sydney Morning Herald*, 15th November, 1847, to their Honors the Judges, in temperate and respectful language, although in so strong terms, protesting against their decision, and, demonstrating that the reasons given overruled the Chief Commissioner's judgment were borne out or supported by the evidence taken down in writing by the Chief Commissioner during my examination, and from which alone both decisions are assumed to be drawn; that on the contrary, the *reindece* proved the very reverse of their Honors' conclusions. I also stated in my letter that this would appear so clear to my creditors that they would, even if they lost the whole of their claims upon me, release me from so unjust a claim, and the one in which their Honors had placed me, by their reversal of the Chief Commissioner's decision.

Immediately after the publication of this letter, I received a communication from several of my creditors, to the effect that if would make an offer of one penny in the pound, for the release of my estate, it would most probably be accepted by the proportion of my creditors required by the Act.

This was so d what I had anticipated. I would willingly have given up the estate, and have paid something more in the pound in addition, to have obtained my release; but as the proposal was accompanied by a testimonial (which had been issued in the Supreme Court) of perfect confidence in my integrity and a belief that although fairly supported by the accuracy of such a composition, it should not fail to exert myself until I had paid to all my creditors 20s. in the pound, I did not hesitate to avail myself of the proposal, and forthwith called a meeting by advertisement in the *Government Gazette* for the purpose of making such offer, which meet-ing was before the Chief Commissioner on the 7th December, 1847, and the offer was made, and agreed to, and at a second meeting on the 27th January, 1848, of which forty-two days' notice, as required by law, was given, the offer was finally accepted, and its acceptance duly certified by the creditors and the Chief Commissioner to the Supreme Court.

On the interim between the first and second meetings, and my offer was pending, a mariner named McCardell, who had been refused, applied to the Court with the consent of his official assignee, and his only creditor, for the release of his estate, which application was refused. The judgment of the Court, as recorded being that "upon reading the affidavit of the said insolvent, and the papers connected therewith, and upon the merits of the case," the Court decided that after the absolute refusal of the certificate the estate could not be released from sequestration.

On the 2nd February, the Solicitor-General moved the Court upon the necessary affidavits for the release of my estate; but as Mr. Justice Manning was alone upon the bench, and as it was the first day of his sitting as a Judge, he declined to adjudicate the matter unassisted by one of the other Judges.

On the 9th February, the application was renewed, the Chief Justice and Mr. Justice Manning upon the bench, when, as soon as the application was named, and before any argument, the Chief Justice asked "whether this application was made for the same person whose certificate the Court had lately rejected?"

He then inquired "whether my offer was pending, a mariner named McCardell, who had been refused, applied to the Court with the consent of his official assignee, and his only creditor, for the release of his estate, which application was refused. The judgment of the Court, as recorded being that "upon reading the affidavit of the said insolvent, and the papers connected therewith, and upon the merits of the case," the Court decided that after the absolute refusal of the certificate the estate could not be released from sequestration."

There are, no doubt, some timid enough to think that this is not a time to bring forward such an undertaking; and others that, without entering into any calculation to ascertain the probable result, openly denounce the scheme. But, however, the liberty with which these statements are made, and the want of care with which they are uttered, may easily affect individuals, but ought not to delay a work of such acknowledged advantages to the whole community. On the contrary, these temporary depositions should urge us on to further efforts to interest all in the cause, and to draw forth other sources of wealth, from the interior, that are now lying dormant.

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THE FRENCH IN TAHITI.
[The following correspondence, published in the *Revue Retrospective*, will be read with interest by all who took an interest in the affairs of Tahiti and its Queen, when the French so ruthlessly invaded that country.]

To Vice-Admiral Du Petit Thouars, Commandant of the Naval Force of France in the South Seas.

Paris, August 9, 1840.

My dear General,—I have given the most minute attention to the perusal of your last report.

In making you now the official reply which the subject requires, I am desirous of adding to it a short expression of my personal sentiments.

You may perhaps recollect that when you departed for the mission, which you fulfilled successfully, in 1842, I was not one of those who approved the object of your mission.

The choice of a spot for founding an establishment did not appear to me to reunite all the conditions which were desirable for the interests of our marine, and if I had been called upon to deliberate upon the best plan to be followed, I should therefore have been by no means disposed to subscribe to the adoption of the project then under consideration; but between this first idea, entertained by me previously to anything else, and the choice of a spot for maintaining the position which these circumstances have now given us in Oceania, I never, since I have entered into the councils of the King, could have hesitated an instant.

My opinion in this respect is now on all points conformable to that of the other members of the cabinet, and I am desirous that no doubt should rest upon your mind on this head.

On the other hand, what has been realised on the Protectorate of Otaheite permits us to hope that the natural course of events will one day put us in definitive possession of an Archipelago, where, under the triple point of view of maritime and commercial interests, the resources of agriculture, and of the character of the inhabitants, the seat of our establishment would be infinitely more advantageous than at the Marquesas Islands, and that it is the eventuality which ought to future to unite our unanimous suffrage in favour of the development of the results first obtained.

I am gratified to acknowledge the utility of your previous efforts for this object, and I am certain that your valuable assistance will never be wanting to M. le Gouverneur Brust, in carrying out his plan.

It is at the same time most pleasing to me to take advantage of the present occasion to renew to you the assurances of my esteem and attachment.

BARON D. MACKAU.

To M. le Ministre de la Marine des Colonies, Calais, la Reine Blanche Frigate, July 6, 1840.

Monsieur le Ministre.—I have just received your Excellency's dispatch, which informs me that the King, after deliberation with his Council, has disengaged my conduct at Tahiti, and has decided to recall me.

Your Excellency will easily understand the sorrow which I feel at a resolution which I was far from expecting, and for which I was by no means prepared. It will be difficult to find any officer in the army more sincerely devoted to the King and to his august family, more religiously attached to him, or a greater slave to discipline than I have ever been. Far from conceiving myself released from it by the distance which separates me from the seat of Government, I have always believed, on the contrary, that the further I am removed from it the more I am honour bound to it most faithful and rigorous observance. Such are the principles I profess, and from which I think I have never swerved during the forty years' service which I have rendered to my country since entering the naval service in 1804.

The Government has condemned me, and acted on its condemnation without hearing me. My official and detailed report upon the events relative to the taking possession of Tahiti had not yet been seen by it (it could not have been), and my conscience tells me that, when it shall be better informed and completely master of facts, just and fair as done, and that confidem will be restored to me of which I believe I have at all times shown myself worthy.

I put my hope then in the justice of the King and of his Government. If they have been hasty in condemning me, they will, I have no doubt, restore me when they shall know the whole truth, when they shall have under their eyes the picture of the intrigues set on foot to render the protectorate, as the means of securing to them their all see, that if I had permitted the influence of the *Partisan Courtois* which Pomare had been instrumental in creating, that the protectorate should not be an embarrassment to France; and that Pomare herself, instead of rejecting it, as she was then doing, would at a later period receive it with gratitude.

But if I conceived it possible that my acts should be disengaged, I must tell you, Excellency, that the idea never presented itself to my mind, nor could I have made any arrangement, and that I should be made to disengage myself from the King and his Government. Even at the present day, after long reflection upon the steps which I was bound to take to ensure the full execution of the treaty, in the circumstances in which I was placed, and judging myself with all possible severity, I am bound to avow to your Excellency that I am bound to act otherwise than I have done, and that I have never refused to those who have rendered me instructions to me, which he officially placed at my disposal during three hours.

The perusal of these documents, which were only simply lent me, apprised me of the regret felt by Government that I had not in the first instance set up the French flag in lieu of that of the protectorate; I considered, therefore, that henceforth I should best fulfil my instructions by taking advantage of the circumstances which intrude and bad faith had given rise to, and of placing things on their just foundation, where I placed the French flag upon all the points of protection in the Society Islands, reserving the flag of the Protectorate for all the civil monuments in common use, and in this I followed the practice observed by the English in Corfu and in the Ionian Islands.

I conceived myself authorised in taking this resolution, not only on account of the annoying conduct shown towards the provisional government of the Protectorate, in the interval during which M. le Gouverneur Brust was expected, and also because I attempted to set up and oblige me to recognise a sovereignty distinct from that which was in existence at the period of the signature of the treaty, and to which I could not subscribe without betraying my duty, and I only at last decided upon a definite occupation after having vainly endeavoured, by means of conciliation to overcome a blind obstinacy, unfortunately suggested and sustained by the advice and intrigues of the official agents of a nation at present our ally: agents who at that moment well knew (and they were aware of the questions asked in the House of Lords and Commons) that the English Government acknowledged our protectorate over the Society Islands, and who were not ignorant that the recognition had not been published in the Gazette of the British Majesty would put me in the way of it. What, then, was their object, in seeking to compromise our international relations? I am ignorant of it, and they only are in the secret; and the manner in which their conduct will be appreciated by government will show if they have gone beyond their instructions, and undermined the intentions of their Cabinet.

After all, the position in which I was placed, I consider the French were in conformity with the law of nations. They refused to come themselves within the cognisance of the treaty. The establishment of the protectorate by violence, and without the participation of the female chief (*femme chef*) Pomare, was evidently impossible, as it would have been the commencement of a civil war—an act infinitely

more odious than that of which I am accused, and which was more loyal and more consistent with the law of nations, which, in case of a refusal to execute a treaty, authorises war, and, as a necessary consequence, a conquest, which, however, the conqueror is always in a position to renounce if he sees good.

The events which have happened since taking possession, and their sad denouement on the 10th April, sufficiently prove the nature of the intervention of God in our cause, and whether it would have been possible to have arrested their course, or to have turned them aside with a contested power and an equivocal character, such as was then that of France as regarded a recognised Queen proclaimed by foreign agents, already claiming at their instigation a right incompatible with the existence of the protectorate.

It is now time to make known the nature of the conduct which I know not when, but of which the working at Tahiti was confined to Mr. Pritchard, under the protection of all the commanders of the ships of war of his nation:—an intrigue started for the purpose of making Europe believe that, in taking definitive possession of the Society Islands, I laid a sacrilegious hand upon a crowned head. They represented l'Ariki-Noui Pomare as the sister in dignitas of the Queen of England, and in her white write letters, were to take the title: they rendered her with exaggeration, sovereign honours, and in the English journals they affected to show, in the sovereignty of this woman, that sacred right upon which in Europe the tranquillity and the existence of nations repose. In order to invest her with this sacred character, they conceived the idea of making Pomare accept a flag upon which a cross was to be placed. As in the case of the information I obtained was not satisfactory.

He, however, assured me that the doctor (Whitman) and another man were killed, but could not tell me the persons who did it and how it originated. I immediately determined on sending my interpreter and one man to Dr. Whitman to find out the truth, and if possible to secure Mr. Chief Trader Manson's two sons, and any of the survivors. It so happened that the two boys were on their way hither, escorted by Nicholas Finlay, who having been previously settled among the Indians that these boys should not be killed, as also the American women and children. Pelouquet is the chief who recommended this measure. I presume you are well acquainted that fever and dysentery have been raging here and in that vicinity, in consequence of which a great number of Indians have been swept away, but especially at the doctor's residence. As far as I have been able to learn, this has been the sole cause of the dreadful butchery. In order to satisfy any doubt on the point, it is reported that they requested the doctor to administer medicine to three of their friends, one of whom died, but the third only recovered illness, and that the others were corpses the next morning. After they were buried, and while the doctor's men were employed slaughtering an ox, the Indians came one by one to his house, with their arms concealed under their blankets, and being all assembled, commenced firing on those slaying the animal, and maltreated by the coloured and black population of Roseau, and would have been forced back to their boat, but for the interference of the Governor and police. I believe this uncharitable conduct was not observed by the authorities, and I have been told that the negroes were held captive in that island, whom I have seen. 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